

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2004**

AGENDA ITEM NO.: 18

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Garland Hill Historic District Rezoning – R-3, Two-Family Residential District to R-2, Single-Family Residential District**

RECOMMENDATION: Approval of the rezoning.

SUMMARY: At its February 25, 2004 meeting, the Planning Commission directed City Staff to study and start the necessary proceedings to rezone portions of the Garland Hill Historic District from R-3, Two-Family Residential District to R-2, Single-Family Residential District. The Planning Division recommended approval of the rezoning because:

- Petition agrees with the *Comprehensive Plan* which recommends Traditional Residential uses for this neighborhood, includes the neighborhood in the Fifth Street Neighborhood Conservation Area, and recognizes Garland Hill as a local, state, and national Historic District.
- The neighborhood has developed primarily as single-family homes (88%) despite the existing R-3, Two-Family Residential District zoning.
- The rezoning of the area to R-2, Single-Family Residential District would encourage home ownership and further stabilize the neighborhood.

PRIOR ACTION(S):

February 7, 2004: Garland Hill Neighborhood Meeting
February 25, 2004: Planning Commission directed City Staff to study and start proceedings on the rezoning.
April 19, 2004: Neighborhood Meeting conducted by City Staff.
May 12, 2004: Planning Division recommended approval of the rezoning.
Planning Commission recommended approval 6-0 (with one member absent) of the rezoning.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902
Tom Martin / 455-3909

ATTACHMENT(S):

- Ordinance
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-3, MEDIUM DENSITY, TWO FAMILY RESIDENTIAL DISTRICT TO R-2, LOW MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG That in order to promote the public necessity, convenience, general welfare, and good zoning practice that 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Change of a certain area from R-3, Medium Density, Two Family Residential District to R-2, Low Medium Density, Single Family Residential District within the Garland Hills Historic District,

The area embraced within the following boundaries . . .

Garland Hill Rezoning: Tax Map Numbers

02331005	DENDTLER PAMELLA D	220 MADISON ST
02331006	LOTT EUGENE & DORIS	208 MADISON ST
02331007	REARDON, JAMES M & KIRBY, MARY T	118 MADISON ST
02331008	HURST RANDAL & ROBERTA	106 MADISON ST
02331009	B A C CONSTRUCTION COMPANY	MADISON ST
02331010	B A C CONSTRUCTION COMPANY	MADISON ST
02331011	LARKIN T D JR ESTATE	MADISON ST
02331012	LARKIN T D JR ESTATE	MADISON ST
02331013	LARKIN T D JR ESTATE	MADISON ST
02331014	CHRISTIAN, C LYNCH TR, EST 1/2	MADISON ST
02331015	CHRISTIAN, C LYNCH TR,EST 1/2 &	MADISON ST
02331016	CHRISTIAN, C LYNCH TR,EST 1/2 &	MADISON ST
02331017	CHRISTIAN, C LYNCH TR,EST 1/2 &	MADISON ST
02331018	CHRISTIAN, C LYNCH TR,EST 1/2 &	MADISON ST
02331019	ATTIX, DOUGLAS J & PAULA R	HARRISON ST
02331020	SMITH, MAC KENNETH	70 HARRISON ST
02331021	BORN AGAIN CHRISTIAN CONST CO	HARRISON ST
02331022	ABBITT, GLORIA F & REGINALD B	713 GARLAND ST
02331053	ENDL, HEATHER E	100 MADISON ST
02333002	RUCKER, FLOREEN W	71 HARRISON ST
02333003	RUCKER, FLOREEN W	77 HARRISON ST
02333004	ALBERTSON, JOHN L	79 HARRISON ST
02333005	MATTHEWS, CARRIE C	85 HARRISON ST
02333006	DONIGAN, SHIRLEY BROWN	707 FIRST ST
02333007	BARRINGER, TINA M	715 FIRST ST
02333014	HALE, ANDREW J & DORIS S	81 HARRISON ST
02333015	WHITE, PAUL R & MILDRED T	711 FIRST ST
02334001	BARBOUR, CONSUELLA O	74 HARRISON ST
02334002	LARKIN, T D JR & T D ESTATE	MADISON ST
02334003	LARKIN, T D JR & T D ESTATE	MADISON ST
02334004	MORTON, KAYREN G	83 MADISON ST
02334005	CLAXTON, GEORGE III & BERNITA O	85 MADISON ST
02334006	LARKIN, T D JR	87 MADISON ST
02334007	MORTON, GEORGE M & BRENDA H	601 FIRST ST
02334008	HOLMES, DOROTHY S	605 FIRST ST
02334009	WEILAND, W LUTHER & NANCY J	619 FIRST ST
02334010	WEILAND, W LUTHER & NANCY J	82 HARRISON ST
02334011	WAYNE, OTHA C & VIRGINIA C	80 HARRISON ST
02334012	WEILAND, W LUTHER & NANCY J	86 HARRISON ST

02335001	SMITH, LAWRENCE T	100 HARRISON ST
02335002	SCHAFFNER, ALBERT L & MARIE A	109 MADISON ST
02335003	SMITH, JERRY B & MARTHA C	111 MADISON ST
02335004	MARION, DAVID R	117 MADISON ST
02335005	HARRIS, KENNETH L	122 HARRISON ST
02335006	BALDWIN, MICHELLE & BAILEY, DENNIS W	118 HARRISON ST
02335007	CRADDOCK, FRANCIS D III	114 HARRISON ST
02335008	SMITH, JERRY B & MARTHA C	112 HARRISON ST
02335009	MEBANE, LESLIE K	110 HARRISON ST
02336002	LANGHORNE ICINIA G	101 HARIRISON ST
02336003	WAUGH EDDIE M	105 HARRISON ST
02336004	BOLLING J O	111 HARRISION ST
02336005	TWEDDY VERA P	119 HARRISION ST
02336006	PRESTON DAVID & JULIE	123 HARRISION ST
02402002	DAVIS, LENORA H ESTATE	201 HARRISON ST
02402003	DAVIS, LENORA H ESTATE	205 HARRISON ST
02402004	PHILLIPS, A CARLTON JR	207 HARRISON ST
02402005	MONOPOLI JOSEPH & JOY	215 HARRISION ST
02402006	DUNNAM, CARLTON A	217 HARRISON ST
02402007	THOMAS, CORRINE R & GEORGE P	223 HARRISON ST
02403001	DAVIS, LORENZO	202 HARRISON ST
02403002	HOLLOWAY, ROBERT L	205 MADISON ST
02403003	BOYERS, LINDA	209 MADISON ST
02403004	LARKIN, T D JR	215 MADISON ST
02403005	GULLUSCIO, CHRISTOPHER J	217 MADISON ST
02403006	ANDERSON, WILLIE E & MINNIE C	220 HARRISON ST
02403007	HOLBROOK ENTERPRISES LLC	210 HARRISON ST
02403008	SLEDD, THOMAS H & LORETTA P	208 HARRISON ST
02403009	DAVIS LORENZO	204 HARRISION ST
02404010	CITY OF LYNCHBURG	CLAY ST
02404011	CITY OF LYNCHBURG	CLAY ST
02404012	CITY OF LYNCHBURG	CLAY ST
02404013	CITY OF LYNCHBURG	CLAY ST
02404014	CITY OF LYNCHBURG	CLAY ST
02404016	CITY OF LYNCHBURG	CLAY ST
02404017	CITY OF LYNCHBURG	CLAY ST
02405001	BROWN, WAYNE L SR & AMY L	300 MADISON ST
02405002	CITY OF LYNCHBURG	THIRD ST
02405003	CITY OF LYNCHBURG	508 THIRD ST
02405004	CITY OF LYNCHBURG	THIRD ST
02405005	SCHURZ, ROBERT & SUSAN	309 CLAY ST
02405006	SCHURZ, ROBERT C & SUSAN W	501 LUCADO PL
02405007	CALHOUN, HERMAN H & FRANCES B	505 LUCADO PL
02405008	CALHOUN, HERMAN H & FRANCES B	509 LUCADO PL
02405009	SULLIVAN, GLENN W & LINDA S	320 MADISON ST
02405010	KITCHIN, PAUL N ESTATE	318 MADISON ST
02405011	LAMPSHIRE, BRADFORD	312 MADISON ST
02405012	HOLDREN, MICHAEL D	310 MADISON ST
02405013	HOLDREN, MICHAEL D	308 MADISON ST
02405014	KLINE, DANIEL A	306 MADISON ST
02406001	SALE, M ANDERSON & FRANCES W	300 HARRISON ST
02406002	DOUGHERTY, BRIAN E & WILSON III,	303 MADISON ST
02406003	FEDERAL NATIONAL MORTGAGE ASSOC	309 MADISON ST
02406004	ADAMS, BONNIE L	313 MADISON ST
02406005	ADAMS, BONNIE L	315 MADISON ST
02406006	COHEN, CHRISTOPHER N & AMY R	321 MADISON ST

02406007	STAINBACK, KAY B	322 HARRISON ST
02406008	LITTLE HORSE LLC	316 HARRISON ST
02406009	NIXON, DIANE C	314 HARRISON ST
02406010	SALE, M ANDERSON & FRANCES W	308 HARRISON ST
02407003	BUTTERFIELD, THOMAS T	301 HARRISON ST
02407005	KOGER, JAMES A & MONTINA F	309 HARRISON ST
02407006	STUMP, ALICE L	315 HARRISON ST
02407007	STUMP, ALICE L	317 HARRISON ST
02407008	SENSABAUGH, PAUL F JR & PATRICIA S	321 HARRISON ST
02407009	OWENS, JONATHAN K & PATRICE L	323 HARRISON ST
02410002	HERNDON JERE	401 HARRISON ST
02410009	CAMPLBELL CLYDE JR	405 HARRISON ST
02410010	HAYDEN EDWARD & KAREN	409 HARRISON ST
02410011	SALAY, STEVEN	413 HARRISON ST
02411001	WILSON, RALPH L JR	400 HARRISON ST
02411002	CAYLOR, LARRY E & ANNE MARIE	405 MADISON ST
02411011	WILSON, RALPH L JR	406 HARRISON ST
02412001	CALHOUN, HERMAN H & FRANCES B	400 MADISON ST
Portions of 02412002	CITY OF LYNCHBURG	MADISON ST
Portions of 02412004	LYNCHBURG COVENANT FELLOWSHIP	412 MADISON ST
02412005	LYNCHBURG COVENANT FELLOWSHIP	410 MADISON ST

. . . is hereby changed from R-3, Medium Density, Two-Family Residential District to R-2, Low Medium Density, Single Family Residential District within the Garland Hill Historic District.

And the Director of Community Planning and Development and shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this section to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

089L

To: Planning Commission
From: Planning Division
Date: May 12, 2004
Re: **REZONING: R-3, Medium Density, Two-Family Residential, to R-2, Low-Medium Density, Single-Family Residential, for the Garland Hill Historic District**

I. PETITIONER

City of Lynchburg Planning Commission

Representative: Tom Martin, City Planner, Community Planning & Development Department, City Hall, 900 Church Street, Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of approximately 35.2 acres located in the Garland Hill Historic District, not including the commercially zoned properties, as shown on Attachment 1, Vicinity Zoning Map.

Property Owners: a list of property owners and parcel ID numbers is included as Attachment 1.

III. PURPOSE

The purpose of this petition is to allow a rezoning from R-3, Two-Family Residential, to R-2, Single-Family Residential.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends Traditional Residential uses for this neighborhood, includes the neighborhood in the Fifth Street Neighborhood Conservation Area, and recognizes Garland Hill as a local, state, and federal Historic District.
- Petition agrees with the Zoning Ordinance in that an R-2, Single-Family Residential District, better represents the evolving character of the neighborhood.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* addresses the Garland Hill neighborhood in three different ways. First, the Plan recommends Traditional Residential uses for the Garland Hill area, as shown on the Future Land Use Map. Second, the Plan includes Garland Hill in the Fifth Street Neighborhood Conservation Area, as shown on the Plan Framework Map. Third, the Plan recognizes that Garland Hill is designated as a local, state, and federal Historic District.

The Traditional Residential designation is applied to the City's older neighborhoods, those "generally built before World War II and before the City was zoned. Because they predate the City's zoning ordinance, the lot sizes, setbacks, and/or building heights do not conform to the standards of the City's residential zoning districts." (page 5.6) Areas designated Traditional Residential areas will eventually be subject to different zoning regulations than the more modern, suburban-style development in other parts of the City.

The Garland Hill area is also included in the Fifth Street Neighborhood Conservation Area, as shown on the Plan Framework Map (at the end of Chapter 4). Neighborhood Conservation Areas are "planned for further study for appropriate zoning changes, public investment, and community building efforts." (page 5.6)

The Comprehensive Plan further states about Neighborhood Conservation Areas, "these mature neighborhoods face challenges of reinvestment and rehabilitation. Some of the homes are very large wood structures over 3,000 square feet in size. The cost of rehabilitating and maintaining these large homes may deter some potential home buyers and investors. Other houses are very small, less than 1,000 square feet, and not as attractive to families as larger suburban homes. Conversion of some homes in Neighborhood Conservation Areas to rental units has resulted in their gradual deterioration. Citizens in public meetings

have expressed concerns about the negative effects of poorly maintained, deteriorating, vacant, and abandoned homes within their neighborhoods.... Maintaining the existing housing stock and encouraging public and private investment that supports neighborhood character is critical to neighborhood stabilization.” (page 4.17)

The Comprehensive Plan also recognizes that the Garland Hill area has been designated a local, state, and federal historic district.

All three of these designations in the Comprehensive Plan—Traditional Residential, Neighborhood Conservation Area, and Historic District—support the rezoning of the Garland Hill area from R-3, Two-Family Residential, to R-2, Single-Family Residential in order to support continued investment in and rehabilitation of single-family homes, to preserve the character of the neighborhood, and to maintain the property value of the homes.

2. **Zoning.** The Garland Hill area has been a part of the City of Lynchburg since it was annexed, the area closest to Fifth Street in 1852 and the rest of the neighborhood in 1870. Since 1930, the zoning has changed several times:

1930: the area was zoned “Residence ‘V,’” except for the parcels fronting on Fifth Street that were zoned “Business ‘B.’”

1949: the area was zoned “Two-Family,” except for heavy business and light industrial along Fifth Street.

1960: the area north of midblock between Federal and Jackson streets was zoned R-4, Multi-family Residence, while the area south of that midblock point was zoned R-3, Two-family Residence. The area along Fifth Street was zoned B-5, General Business, with some manufacturing property along Lucado Street.

1978: the existing R-3, Two-Family Residential zoning was established with the adoption of the current *Zoning Ordinance*. The area along Fifth Street and between Federal Street and Jackson west to Second Street is B-5, General Business.

The trend since 1960 has been to downzone the residential portion of the neighborhood from multi-family to two-family and now, with this proposed rezoning, to single-family. The portion of the neighborhood that is zoned commercial has expanded slightly in recent decades.

The area became a local historic district in 1976.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.

4. **Surrounding Area.** There have been 17 items requiring City Council approval in the immediate area:

10/14/2003: City Council approved a conditional use permit for a parking lot at 612/616 Madison Street for St. Paul’s Episcopal Church.

5/13/2003: City Council approved the rezoning of 717 Madison Street from R-2 to R-4 to allow Central City Homes to construct 3 apartment units.

7/9/2002: City Council approved a conditional use permit for a child care facility at 620 Madison Street for St. Paul’s Episcopal Church

4/10/2001: City Council approved a conditional use permit for construction of single-family residences at 406,410, 412-414 Wise Street by Habitat for Humanity

12/14/1999: City Council approved a conditional use permit for construction of a modular fellowship hall and additional parking at 84 Monroe Street for the New Jerusalem United Holiness Church

4/14/1998: City Council approved a conditional rezoning to from R-3 to R-4 (Conditional) at 701-709 Hollins Street to allow construction of an apartment complex for the elderly at Tinbridge Manor

6/13/1995: City Council approved a conditional use permit for construction of a 3-story multi-purpose addition at 710 Clay Street for Hold Cross Catholic Church

6/14/1994: City Council approved a rezoning from R-2 to B-1 (Conditional) at 707 Clay Street to allow construction of an addition to an existing office along with additional parking.

4/12/1994: City Council approved a conditional use permit to increase the number of guest rooms in owner-occupied B&B at 215 Harrison Street.

9/22/1993: City Council approved a conditional permit to expand the children's playground area at 109 Jackson Street (Yoder Recreational Center)

5/12/1992: City Council approved an allowance of offstreet parking for 105 cars at Lucado Place and Clay Street.

8/13/1991: City Council approved a rezoning from R-3 to B-5 (Conditional) at 400-404-406 Clay Street to allow the use of the property for a business

6/11/1991: City Council approved a conditional use permit for operation of a B&B and parking at 215 Harrison Street

5/8/1990: City Council approved a conditional use permit for operation of a B&B at 405 Madison Street.

2/10/1987: City Council approved a conditional use permit for construction of a building addition and parking lot at 710-720 Clay Street for Holy Cross Catholic Church

1/11/1983: City Council approved a conditional use permit for a recreation center/club at 615 Federal Street

10/9/1979: City Council approved a conditional use permit for a restaurant and dance hall at 513 Church Street

5. **Site Description.** The subject property is the residential portion of the Garland Hill Historic District. The subject property is bounded to the north and west by Resource Conservation areas, including a segment of the Blackwater Creek Trail. To the south, it is bounded by Resource Conservation and by the City Cemetery. To the east, it is bounded by the commercial uses on Fifth Street (see Attachment 1. Vicinity Zoning Map).
6. **Proposed Use of Property.** The purpose of the proposed rezoning is to allow continued use of residences as single-family homes. Any property owner wishing to add a second dwelling unit in an existing residence would be able to do so provided the presence of the second unit was not obvious from the exterior of the residence.
7. **Traffic and Parking.** The City Traffic Engineer has no comments of concern regarding the subject petition. The proposed use is not expected to generate a significant amount of traffic.
8. **Storm Water Management.** A stormwater management plan will not be required, because no areas are expected to be disturbed as a result of this rezoning.
9. **Impacts.** The intent of this rezoning is to create an environment that supports the pattern of owner-occupied, single-family residences that has evolved over the past several years in the Garland Hill Historic District. As indicated in the City's Comprehensive Plan, the City supports improvements to the housing stock in this neighborhood because Garland Hill is a historic district and is part of a larger Neighborhood Conservation Area. The City's goal is to see property values rise for the benefit of the property owners and the City's tax base. The Garland Hill neighborhood is moving in the direction the City prefers, but the current R-3, Two-Family Residential district no longer reflects the type of housing provided in the neighborhood. Therefore, as outlined in the Comprehensive Plan, it is time to reconsider the zoning district applied to the neighborhood.

Under Virginia law, in order to justify a downzoning, there must have been a substantial change in circumstances since the previous zoning. City staff believes that there has been a substantial change in circumstances that justifies this proposed rezoning from R-3, Two-Family Residential, to R-2, Single-Family Residential, since the previous zoning was approved in 1978.

Historically, as outlined above under "Zoning," the number of dwelling units allowed per parcel in the Garland Hill neighborhood has gradually decreased. For example, in 1960, the area was zoned multi-family; then, when the current Zoning Ordinance was adopted in 1978, the zoning was changed to two-family.

Over the last 15 years, the neighborhood (a locally designated historic district since 1976), has experienced a significant amount of restoration and renovation. Several homes that had been converted

previously into two-family or multifamily dwellings were purchased by new owners and converted back to single-family homes. According to a survey conducted by the Garland Hill Neighborhood Association in September 2003, 88 percent of the residences are now used as single-family homes. The following statistics about Garland Hill were compiled during the survey:

Garland Hill Residences	Number of properties	Percentage of total properties
Residential Properties (total in district)	76	
Single-family Residences	68	88%
Owner-Occupied	55	72%
Nonresident Owned (rented or vacant)	14	18%
Multi-family or Commercial	7	9%
Property Owners who signed petition in support of this rezoning	49	64%

Residents of the neighborhood have approached the City twice in the past three years to request that the City rezone the area from R-3 to R-2 to support the gradual conversion of residential property to single-family use. Initially, City staff was concerned about rezoning to an R-2 district because approximately two-thirds of the properties would have lot sizes smaller than the 10,000 square foot minimum required in an R-2 district. However, the City's Zoning Ordinance contains a provision in Section 35.1-27 "Nonconforming uses" that addresses the problem:

(g) Nonconformity, other than use. A building that is conforming in use, but which does not conform to the height, yard, land coverage, parking or loading requirements of this ordinance, shall not be considered to be nonconforming within the meaning of Section 35.1-27.

At two neighborhood meetings conducted by the Garland Hill Neighborhood Association and a third meeting conducted by the Planning Division, no opposition to the rezoning was demonstrated. A petition circulated by the neighborhood association also indicated significant support for and no opposition to the rezoning.

Second units. A number of the homes currently have second units. In some cases, the second units are constructed so that, from the street, the home resembles a single-family home. Where the units have a second, separate entrance in the front of the residence or otherwise resemble a two-family home, no changes will be required due to the proposed rezoning. However, once the area is rezoned to an R-2, Single-Family district, any second units constructed thereafter may not be apparent from the exterior; the residence must continue to look like a single-family home. Owners will be required to occupy one of the units in any single- to two-family conversion after the rezoning.

Fiscal Impacts. During preparation of the City's Comprehensive Plan, several analysis maps were compiled using statistics from the Geographic Information System (GIS) database. The map showing property values (assessed values) revealed that values were higher in the City's historic districts than in the areas immediately surrounding each district. In the case of Garland Hill, the renovation and restoration done prior to preparation of the map was reflected in the increased assessed values when compared to the surrounding areas. This proposed rezoning is expected to encourage continued maintenance and renovation of single-family homes, including careful addition of second units in some of those homes. Preserving the single-family, owner-occupied character of the neighborhood will provide an incentive for owners to maintain and improve their property.

Neighborhood Impacts. The increased values and improved appearance of the Garland Hill neighborhood are expected to spill over into surrounding areas.

Based on the changing circumstances in the neighborhood and the fact that rezoning from R-3 to R-2 will not create a pattern of nonconforming uses, City staff supports the rezoning.

10. **Technical Review Committee.** The Technical Review Committee (TRC) did not review this proposed rezoning petition. No site plan is necessary.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of the City of Lynchburg Planning Commission for a rezoning from R-3, Two-Family Residential, to R-2, Single-Family Residential, of the Garland Hill Historic District to allow the continued use of the residential properties as single-family homes.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. Tom Martin, City Planner
Ms. Judith C. Wiegand, AICP, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern with List of Property Owners**
(see attached map)
2. **Vicinity Proposed Land Use**
(see attached map)

Minutes from the May 12, 2004 Planning Commission Meeting

Consideration of rezoning the Garland Hill Historic District from R-3, Two-Family Residential District to R-2, Single-Family Residential District.

Mr. Martin explained that on February 25, 2004 the Planning Commission directed the City staff to study and start proceedings for rezoning the Garland Hill Historic District from R-3 Two-Family Residential District to R-2 Single-Family Residential District. He said the Comprehensive Plan designated this area for Traditional Neighborhood uses, and since these areas were generally built prior to World War II, they do not conform to the City's current standards for lot size, set backs or building heights. He continued by saying that the Comprehensive Plan also designated the Garland Hill Historic District and the Fifth Street corridor as a Neighborhood Conservation area. He said the area contained structures ranging in size from 1,000 to 3,000 square feet. Mr. Martin added that since 1930 the homes had been zoned for two-family or multi-family units, so the conversion of some of these homes may have resulted in their gradual deterioration. He explained that any existing multi-family or two-family uses would still be allowed to remain as non-conforming uses if the rezoning is approved. He noted that any owner occupied unit would be allowed to have a second unit provided the building had no characteristics different from a single family home. Mr. Martin said that neighborhood meetings were held on February 7 by the Garland Hill Neighborhood Association and on April 19 by the City of Lynchburg Planning Division. He concluded by saying that the Planning Division recommended approval of rezoning the Garland Hill Historic District from R-3 Two-Family Residential District to R-2 Single-Family Residential District.

Mrs. Frances Calhoun represented the Garland Hill Neighborhood Association, Inc., and added that she resided at 400 Madison Street. Mrs. Calhoun said the Garland Hill neighborhood was originally one of the most prosperous and prestigious neighborhoods in the City but in the mid-Tenth Century, it declined very much primarily due to many of the larger homes being divided up into apartments and turned into rental. In the early 1970's, some of the long time residents feared that houses were going to be demolished for street improvements so they petitioned to have the Garland Hill area placed on the National Register of Historic Places, and in 1972 they became the first Locally Designated Historic District in the City. Since that time, Mrs. Calhoun said, many of the homes have been restored and returned to single-family housing, which has all been accomplished with private capital. She explained that in 1973 the combined property values the Garland Hill area was \$625,600, and that in 2003 the combined property values for the same area was \$5.89 million, which showed over a 900 percent increase. She added that their objective as a neighborhood organization was to have the maximum number of resident owners as possible and prevent the creeping in of rental property owned by non-residents. She said the availability of tax credits for low-income housing and restoration of historic properties had attracted and had made the historic district much more attractive to investors whom they were trying to preclude. Mrs. Calhoun said they circulated a petition at the request of the Planning & Development Division and said there were 76 residential properties in the historic district, 55 of those were now occupied by resident owners and 68 were single families, 50 of those residents signed the petition in support of the rezoning. She added that they think R-2 rezoning would protect the investment of the current owners and would make prospective buyers more comfortable to come in and invest their money if they had assurance that the neighborhood was going to remain single family.

One citizen asked for clarification of a sentence on Page 1 of the Planning Commission report stating that "Areas designed Traditional Residential areas will eventually be subject to different zoning regulations than the more modern, suburban-style development in other parts of the City." She asked if a financial hardship occurred to an owner-occupant would there be any opportunity for a variance to be granted if this petition were approved, such as allowing more than one rental unit per home.

Mr. Martin explained the statement in the report saying that a lot of older neighborhoods in the City did not meet the current standards of a semi-modern zoning ordinance in that a lot of these homes were constructed close to the street, would never be able to meet a 40 foot front yard setback or a 10 foot side yard setback. As a City, he said, they realized that they needed to review the older areas and reduce the setback and side yard requirements, and building ratios to make it easier for people to make building additions. Mr. Martin said the owner could always have a renter as long as the owner lived in the residence also. He said under the current ordinance no more than one unit could be rented out. He said if a variance were granted the zoning of the property would change to allow two units per structure, but the structure did not have to be owner occupied.

Mrs. Calhoun said they could also rent the entire house to one family.

Mr. Andy Sale said he hoped that the Planning Commission would see this as a more proactive opportunity to address the issue of absentee landlords, not only in historic districts, but through out the City.

After discussion Commissioner Echols made the following motion, which was seconded by Commissioner Pulliam and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the petition of the City of Lynchburg Planning Commission for a rezoning from R-3, Two-Family Residential, to R-2, Single-Family Residential, of the Garland Hill Historic District to allow the continued use of the residential properties as single-family homes.

AYES:	Bacon, Dahlgren, Echols, Hamilton, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0